IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 8058 of 2004

Between:

1. Vignana Bharathi Edcuational Society,
rep by its Secretary/ Correspondent
T. Ravinder Rao, S/o. Appa Rao, aged 42 years
R/o. Mahabubabad, Warangal District.
2. Margadarshi College of Education,
rep by its Correspondent T. Ravinder Rao, S/o. Appa Rao,
aged 42 years R/o. Mahabubabad, Warangal District.

..... PETITIONERS

AND

1 The Govt. of A.P. rep by its Secretary,
School Education Department,
Secretariat Buildings, Hyderabad.
2 The Govt. of A.P. rep by its Principal Secretary,
Minorities Welfare (M&R) Department, Secretariat, Hyderabad.
3 The Commissioner & Director of School Education, Saifabad,
Hyderabad.
4 The A.P. State Council of Higher Education, rep by its Secretary,
Saifabad, Hyderabad.

5 The Convener, Ed. CET, Osmania University, University Campus,
Hyderabad.
6 Kakatiya university, warangal rep. by its Registrar
(R6 is impleaded as per the court order dt. 9-2-2005 in
WPMP 2358 of 2005)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, Order or direction preferably a writ in the nature of Writ of Certiorari, calling for the records relating to Memo No. 7388/M&R/A3/2003-2, dt. 6-4-2004 issued by the 2nd respondent as being illegal, arbitrary, violative of Articles and 14, 19 and 30(1) of the constitution of India and consequently suspend the said Memo and also direct the respondents to issue minority certificate to the petitioner for the year 2003-2004.

Counsel for the Petitioners: MR.P.VENUGOPAL

Counsel for the Respondent Nos.1,3,4: GP FOR EDUCATION

Counsel for the Respondent No.2: THE ADVOCATE GENERAL

Counsel for the Respondent No.5: S.C for Osmania University

The Court made the following ORDER:

ORDER: (per Sri B. Sudershan Reddy, J)

The petitioner filed the present writ petition invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India challenging the proceedings in Memo No. 7388/M&R/A3/2003-2, dt. 6.4.2004, whereunder and whereby the request of the petitioner-Management for granting renewal of Minority Status for the year 2003-2004 has been rejected mainly on the ground that the proposal submitted by it was not in conformity with the provisions laid down under G.O.Ms.No.1, Minorities Welfare (M&R) Department dated 16.01.2004 and G.O.Ms.No.4, Minorities Welfare (M&R) Department 03.03.2004.

It is not necessary to adjudicate this writ petition on merits and decide as to whether

the petitioner-Management is entitled for granting renewal of Minority Status, in view of what has been stated in the additional affidavit filed in this writ petition.

In the additional affidavit, it is stated that after filing the writ petition, the constitution of the petitioner society has been changed and as on today, the following are the members of the petitioner society:

S.No	Name & age	Designation	Address
1.	M. JosephS/o. YaehobAge 32 years	PresidentTeacher	Vidya Bharathi Residential School, Jamaniapally,Mahabubabad
2.	K. Devadana MaryD/o. JojaiahAge 39 years	Vice PresidentSocial Worker	2-1-72, Kasturi Bazar,Suryapet, NalgondaDistrict
3.	A. Bharatha ManiD/o. RajannaAged 27 years	General SecretarySocial Worker	6-2-44/7/1, Kankar Road, Mahabubabad,Warangal District
4.	M. Paul Raju,S/o. Rayanna,Aged 47 years	Joint SecretaryAgriculture	2-1-72, Kasturi Bazar,Suryapet, NalgondaDistrict
5.	N. Sleeva Raju, S/o. DasaiahAged 34 years	TreasurerAgriculture	-do-

It is also stated that along with the changed constitution, as approved by the Registrar of Societies, a representation has been made by the petitioners to the second respondent herein, but the said representation is kept unattended to in view of pendency of this writ petition.

It is difficult to discern as to how the pendency of the writ petition filed by the petitioners herein came in the way of the respondents herein for deciding the application submitted by the petitioners on 07.09.2004. That application as well could have been disposed of by the Government on its own merits uninfluenced by the pendency of the writ petition filed by the petitioners.

However, it would be just and necessary to direct respondents 1 to 4 herein to decide the application submitted by the petitioner dated 07.09.2004 in accordance with law by duly taking into consideration all the relevant facts stated in the application together with the documents made available by the petitioners. In view of

the intending examinations, we consider it appropriate to direct the respondents herein to take an appropriate decision before 25.02.2005 and communicate the same to the petitioners and as well as the concerned authorities.

The writ petition is accordingly disposed of without any order as to costs.

(B. Sudershan Reddy, J)

17-01-2005

(C.V. Ramulu, J)

Note: Dispatch copy of the order today itself.

B/o.

va/ks

To

1 The Secretary, Govt. of A.P.,
School Education Department,
Secretariat Buildings, Hyderabad.
2 The Principal Secretary, Govt. of A.P.
Minorities Welfare (M&R) Department, Secretariat, Hyderabad.
3 The Commissioner & Director of School Education, Saifabad,
Hyderabad.
4 The Secretary, A.P. State Council of Higher Education,
Saifabad, Hyderabad.
5 The Convener, Ed. CET, Osmania University, University Campus,
Hyderabad.
6 Kakatiya university, warangal rep. by its Registrar
7 Two CCs to G.P. for Education, High Court of A.P. Buildings,
Hyderabad (OUT)
8 Two CCs to the Advocate General, High Court of A.P.,
Hyderabad (OUT)
9 Two CD Copies